

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

Kevin Turner and Shawn Wooden,
*on behalf of themselves and others
similarly situated,*

Plaintiffs,

National Football League and
NFL Properties LLC,
successor-in-interest to NFL Properties,
Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Case No. 12-md-2323 (AB)

MDL No. 2323

Hon. Anita B. Brody

**X1LAW'S MOTION FOR LEAVE OF THE COURT TO FILE
THIS RESPONSE TO "RESPONSE TO MOTION FOR FAIRNESS HEARING"
FILED BY SEEGERWEISS**

X1LAW, on behalf of Retired NFL Players, Identified by SCM Program ID's, 100004998,
100006825, 100013362, 950000168, 100001760, 100012125, 100006801, 100011800,
250016266, 100005137, 900003656, 100012033, 100010859, 100004602, 100001053,
100006504, 100012899, 100004126, 100006364, 100011009, 900003916, 100011461,
100006318, 900009063, 100015946, 950000169, 100010585, 100005080, 100003489,
100014253, 100009449, 100010405, 950000165, 900009395, 100011058, 100004020,
100016518, 110020412, 100009609, 950000167, 100011008, 100009442, 250025162,
100011127, 100014709, 100011502, 100012053, 900005730, 950000157, 100000328,

100009522, 100014232, 950013014, 100002897, 100011322, 900011914, 100013967, 100015896, 950001367, 100010342, 100015945, 900009941, 100016207, 950010256, 100009053, 1000005793 (collectively “Movants”) file this Motion for Leave of the Court in Response to SeegerWeiss’ “Response to a Motion for Fairness Hearing”. We wish to notice there is no scheduling notice nor briefing notice regarding the “Motion to Approve the Norming Agreement” only a request for inquiries to be submitted to BrownGreer. As per Local Rule 7.1(c) the court advised potential movants to reply via email and set a time frame for inquiries, the order from the Honorable Court anticipated inquiries and as such predicted a time in the future wherein a “Motion for Final Approval of the Norming Agreement” would be furnished and as such a scheduling notice or briefing notice would be provided at that time. This has not occurred.

1. X1Law respectfully files this reply in response to SeegerWeiss’ filing, we seek to provide clarification of the record. As noted above, and in numerous other filings, X1Law does indeed represent numerous retired NFL players in this class action and a majority of them are African Americans. SeegerWeiss alleges X1Law does not represent these men & their families, and that they have not been affected by the discrimination, vulgarity and disrespect of being in a class where the color of your skin equates to a lesser standing. X1Law begs for forgiveness in omitting the SCM Program ID’s in our Motion for a Fairness Hearing. We hope this will correct that error Nunc Pro Tunc.
2. X1Law did follow the court’s direction and did submit inquiries regarding the “Motion to Approve the Norming Agreement” via email (see attached as Exhibit “A”). Those 4 substantive questions were also published to the docket by BrownGreer, the questions that came from X1LAW were redacted (see attached as Exhibit “B”). They also were

not answered. As these 4 substantive questions had not been answered either via email or in response to the publication by BrownGreer, X1Law moved for a Fairness Hearing. The only response from BrownGreer came as an acknowledgment that the one of the emails was received (see attached as Exhibit "C"). We now know they received all 4 by their publication of the questions on the docket.

3. The issues raised by the "Joinder of Goldberg, Persky and White, PC...", who represents over 600 class members, where they proposed substantive questions regarding the denial of the right to appeal a denial regarding retesting eligibility and how the modification fails to include a time certain for the implementation of the new method and the long method. These substantive questions have also not been answered, further supporting X1LAW's request for a Fairness Hearing.
4. The fact that no proposed order has been published, begs the question of what the proposed agreement will be, and how that agreement will be reflected in the order, due to the fact that the notice only discusses the race norming proposals and not the releases. One could only discover the existence of the releases by reading the full "Motion of the NFL parties and Class Counsel to approve modifications to the NFL Concussion Settlement agreement pursuant to section 6.6" and not the "Notice" itself as the "Notice" is silent regarding this. A Notice that notifies only half of what is being proposed is insufficient.
5. X1Law again respectfully requests that the court acknowledges that the "Notice" although published as directed, has failed to publish a proposed order and as such the notice fails, as no Settlement Class Member should be forced to agree to an order that isn't shown to him first. Vis a vis: "the notice to the class fails on its face".

WHEREFORE, the Movants respectfully request that this Honorable Court enter an order that the material substantive changes contemplated to the Amended Settlement Agreement are not approved, adopted or implemented without reasonable notice given combined with an opportunity to be heard and to withdraw from the class to satisfy the due process requirements of the Fifth Amendment and under Federal Rules of Civil Procedure Rule 23(b)(3),23(c)(2) and 23(e) and to be permitted to appear and be heard at a Fairness Hearing.

Dated: March 4, 2022

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2022, the foregoing document was electronically filed with the United States District Court for the Eastern District of Pennsylvania via the Court's CM/ECF system, and that the filing is available for downloading and viewing from the electronic court filing system by counsel for all parties.